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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,280	11/06/2000	Stephen S. Jackson	120-202	8450

34845 7590 11/16/2007

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ART UNIT	**PAPER NUMBER**
2155	

MAIL DATE	DELIVERY MODE
11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/707,280	JACKSON ET AL.	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68 and 71-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-68 and 71-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the RCE filed 11/05/2007. The RCE is filed subsequent to the Board of Appeals rendering a decision affirming the Examiner's rejection presented in the Final Office Action of 08/23/2005.

2. Claims 1, 21, 45 and 71 were amended.

3. Claims 69 and 70 are canceled.

4. Claims 1-68 and 71-75 are pending in this office action.

Response to Amendment/Arguments

5. Applicant's arguments with respect to claims 1-68 and 71-75 have been considered but are moot in view of the new ground(s) of rejection.

6. The examiner notes the 101 rejection has been updated to reflect the office's current position.

Claim Rejections - 35 USC § 101

7. Claims 45-68 are rejected under 35 U.S.C. 101 because the claimed invention does not fall within a statutory category.

8. Claim 45 states, "A computer program product including a computer readable medium". Page 40, lines 12-16 of the specification, states, "*The computer program may be fixed in any form in a signal that is transmittable to a computer using any of various communication technologies, including, but in no way limited to, analog technologies, digital technologies, optical technologies, wireless technologies, networking*

technologies, and internetworking technologies.". Additionally, Page 41, lines 3-7, states that "programmable logic" may also be fixed in a signal in a similar manner. Therefore, it is clear that the scope of the claimed computer readable medium is intended to include signals. This is also the case for claims 46-68 which ultimately depend on claim 45.

9. As discussed in the *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, the office's position is that signals, such as carrier waves, do not fall within one of the four statutory classes of 35 U.S.C. 101. Therefore, based on the given evidence and the office's position, Claims 46-68 fail to fall within one of the four statutory categories and are ineligible for patent protection.

10. For clarification of the office's position on signals, the following is from Annex IV, paragraph (c), pages 55-57, of the *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*:

> " Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or

material. "The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter. The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580 (1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act. A

manufacture is also defined as the residual class of product. 1 Chisum, § 1.02[3] (citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)).

A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101. On the other hand, from a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal. These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. Public comment is sought for further evaluation of this question."

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-16,17-34, 37-40, 42-68 and 71-75 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,872,834 by Teitelbaum (Teitelbaum).

13. With respect to claim 1, Teitelbaum teaches a method for providing a personalized service in a communication system, the method comprising:

detecting physical presence of a user, wherein the detecting includes a determination, based on automatic detection of at least one physical attribute of the user's body directly from the user's body, that the user is currently in close physical proximity to the communication system (Col. 5 lines 42-48 and lines 65 - Col. 6 line 6: user is detected based on a provisioning of biometric information such as a fingertip on the contact imaging means); and

providing the personalized service to the user based upon the physical presence of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided).

14. With respect to claim 2, Teitelbaum further teaches wherein detecting the physical presence of the user comprises: using a detector to detect the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

15. With respect to claim 3, Teitelbaum further teaches wherein detecting the physical presence of the user comprises: using a detector in combination with an appliance gateway to detect the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

16. With respect to claim 4, Teitelbaum further teaches wherein providing the personalized service to the user based upon the physical presence of the user comprises: using an appliance gateway to provide the personalized service to the user based upon the physical presence of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided for use in conjunction with a phone system).

17. With respect to claim 5, Teitelbaum further teaches wherein detecting the physical presence of the user comprises: identifying the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

18. With respect to claim 6, Teitelbaum further teaches wherein identifying the user comprises: identifying the user based upon biometric information (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

19. With respect to claim 7, Teitelbaum further teaches wherein providing the personalized service to the user based upon the physical presence of the user comprises: providing the personalized service to the user based upon the identity of the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information - Col. 7 lines 41-53: personalized services provided based upon the identity).

20. With respect to claim 8, Teitelbaum further teaches wherein providing the personalized service to the user based upon the identity of the user comprises: obtaining user-specific information based upon the identity of the user; and providing the personalized service to the user based upon the user-specific information (Col. 7 lines 41-53: 'retrieves pertinent information to the user' and services are user specific settings/features).

21. With respect to claim 9, Teitelbaum further teaches wherein the user-specific information comprises at least one of: per-user rules; user-defined rules; user preferences; and user applications (Col. 7 lines 41-53: settings, feature/service privileges, etc).

22. With respect to claim 10, Teitelbaum further teaches wherein obtaining user-specific information based upon the identity of the user comprises at least one of: retrieving the user-specific information from a local storage of an appliance gateway; retrieving the user-specific information from the device; retrieving the user-specific information from another device; and retrieving the user- specific information from a remote storage over a communication network (Col. 7 lines 30-53: information retrieved from switch - another device/remote storage).

23. With respect to claim 11, Teitelbaum further teaches wherein obtaining user-specific information based upon the identity of the user comprises: logically inferring some user-specific information from other user-specific information (Col. 9 lines 1-10: billing identified user regardless of ownership of phone).

24. With respect to claim 12, Teitelbaum further teaches wherein providing the personalized service to the user based upon the identity of the user comprises at least one of: obtaining information for the user; anticipating needs of the user and providing said needs; updating user preference information; simplifying device control for the user; handling a user schedule; and providing reminders to the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

25. With respect to claim 13, Teitelbaum further teaches wherein providing the personalized service to the user based upon the identity of the user comprises: establishing a personal area network for the user based upon the identity of the user; and providing the personalized service to the user within the personal area network (Col. 9 line 59 - Col. 10 line 10: personal agents etc).

26. With respect to claim 14, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network comprises: providing information to the user within the personal area network (Col. 9 line 59 - Col. 10 line 10: personal agents provide a variety of information to user).

27. With respect to claim 15, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network comprises: monitoring a supported device within the personal area network (Col. 9 lines 11-37).

28. With respect to claim 16, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network comprises: monitoring the user within the personal area network (Col. 9 lines 11-37 and Col. 10 line 49 - Col. 11 line 4).

29. With respect to claim 18, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network comprises: retrieving information for the user over a communication network (Col. 9 lines 38-58).

30. With respect to claim 19, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network comprises: determining a user preference for a supported device (Col. 7 lines 45-53, Col. 8 line 12-63: settings/preferences for particular phones)

31. With respect to claim 20, Teitelbaum further teaches wherein providing the personalized service to the user within the personal area network further comprises: updating user preference information to include the user preference for the supported device (Col. 8 lines 12-63: user can configure certain phones as desired).

32. With respect to claim 21, Teitelbaum teaches an apparatus comprising:

user detection logic operably coupled to detect physical presence of a user, wherein the user detection logic detects that the user is currently in close physical proximity to the communication system based on automatic detection of at least one physical attribute of the user's body directly from the user's body (Col. 5 lines 42-48 and lines 65 - Col. 6 line 6: user is detected based on a provisioning of biometric information such as a fingertip on the contact imaging means); and

personal agent logic responsive to the user detection logic and operably coupled to provide personalized services to the user based upon the physical presence of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided).

33. With respect to claim 22, Teitelbaum further teaches wherein the user detection logic comprises a detector for detecting the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

34. With respect to claim 23, Teitelbaum further teaches wherein the user detection logic ic coupled to a detector for detecting the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

35. With respect to claim 24, Teitelbaum further teaches wherein the user detection logic is operably coupled to identify the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

36. With respect to claim 25, Teitelbaum further teaches wherein the user detection logic is operably couple to identify the user based upon biometric information (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

37. With respect to claim 26, Teitelbaum further teaches wherein the personal agent logic is operably coupled to provide the personalized service to the user based upon the identity of the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information - Col. 7 lines 41-53: personalized services provided based upon the identity).

38. With respect to claim 27, Teitelbaum further teaches wherein the personal agent logic is operably coupled to obtain user-specific information based upon the identify of the user and provide the personalized service to the user based upon the user-specific information (Col. 7 lines 41-53: 'retrieves pertinent information to the user' and services are user specific settings/features).

39. With respect to claim 28, Teitelbaum further teaches wherein the user-specific information comprises at least one of: per-user rules; user-defined rules; user preferences; and user applications (Col. 7 lines 41-53: settings, feature/service privileges, etc).

40. With respect to claim 29, Teitelbaum further teaches wherein the personal agent logic is operably coupled to retrieve the user-specific information from at least one of: a local storage; a supported device; and a remote storage over a communication network (Col. 7 lines 30-53: information retrieved from switch - another device/remote storage).

41. With respect to claim 30, Teitelbaum further teaches wherein the personal agent logic is operably coupled to logically infer some user-specific information from other user-specific information (Col. 9 lines 1-10: billing identified user regardless of ownership of phone).

42. With respect to claim 31, Teitelbaum further teaches wherein the personal agent logic is operably coupled to obtain information for the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

43. With respect to claim 32, Teitelbaum further teaches wherein the personal agent logic is operably coupled to anticipate needs of the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

44. With respect to claim 33, Teitelbaum further teaches wherein the personal agent logic is operably coupled to update user preference information (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

45. With respect to claim 34, Teitelbaum further teaches wherein the personal agent logic is operably coupled to simplify device control for the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

46. With respect to claim 37, Teitelbaum further teaches wherein the personal agent logic is operably coupled to establish a personal area network for the user based upon the identity of the user; and provide the personalized service to the user within the personal area network (Col. 9 line 59 - Col. 10 line 10: personal agents etc).

47. With respect to claim 38, Teitelbaum further teaches wherein the personal agent logic is operably coupled to provide information to the user within the personal area

network (Col. 9 line 59 - Col. 10 line 10: personal agents provide a variety of information to user).

48. With respect to claim 39, Teitelbaum further teaches wherein the personal agent logic is operably coupled to monitor a supported device within the personal area network (Col. 9 lines 11-37).

49. With respect to claim 40, Teitelbaum further teaches wherein the personal agent logic is operably coupled to monitor the user within the personal area network (Col. 9 lines 11-37 and Col. 10 line 49 - Col. 11 line 4).

50. With respect to claim 42, Teitelbaum further teaches wherein the personal agent logic is operably coupled to retrieve information for the user over a communication network (Col. 9 lines 38-58).

51. With respect to claim 43, Teitelbaum further teaches wherein the personal agent logic is operably coupled to determine a user preference for a supported device (Col. 7 lines 45-53, Col. 8 line 12-63: settings/preferences for particular phones).

52. With respect to claim 44, Teitelbaum further teaches wherein the personal agent logic is operably coupled update user preference information to include the user preference for the supported device (Col. 8 lines 12-63: user can configure certain phones as desired).

53. With respect to claim 45, Teitelbaum teaches a computer program product including a computer readable medium, the computer readable medium having a computer program stored thereon for controlling a computer system, the computer program comprising:

user detection logic programmed to detect physical presence of a user, wherein the user detection logic detects that the user is currently in close physical proximity to the communication system based on automatic detection of at least one physical attribute of the user's body directly from the user's body (Col. 5 lines 42-48 and lines 65 - Col. 6 line 6: user is detected based on a provisioning of biometric information such as a fingertip on the contact imaging means); and

personal agent logic responsive to the user detection logic and programmed to provide personalized services to the user based upon the physical presence of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided).

54. With respect to claim 46, Teitelbaum further teaches wherein the user detection logic comprises a detector for detecting the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

55. With respect to claim 47, Teitelbaum further teaches wherein the user detection logic ic coupled to a detector for detecting the physical presence of the user (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

56. With respect to claim 48, Teitelbaum further teaches wherein the user detection logic is programmed to identify the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

57. With respect to claim 49, Teitelbaum further teaches wherein the user detection logic is programmed to identify the user based upon biometric information (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information).

58. With respect to claim 50, Teitelbaum further teaches wherein the personal agent logic is programmed to provide the personalized service to the user based upon the identity of the user (Col. 5 line 65 - Col. 6 line 6: user is identified through biometric information - Col. 7 lines 41-53: personalized services provided based upon the identity).

59. With respect to claim 51, Teitelbaum further teaches wherein the personal agent logic is programmed to obtain user-specific information based upon the identify of the user and provide the personalized service to the user based upon the user-specific information (Col. 7 lines 41-53: 'retrieves pertinent information to the user' and services are user specific settings/features).

60. With respect to claim 52, Teitelbaum further teaches wherein the user-specific information comprises at least one of: per-user rules; user-defined rules; user preferences; and user applications (Col. 7 lines 41-53: settings, feature/service privileges, etc).

61. With respect to claim 53, Teitelbaum further teaches wherein the personal agent logic is programmed to retrieve the user-specific information from at least one of: a local storage; a supported device; and a remote storage over a communication network (Col. 7 lines 30-53: information retrieved from switch - another device/remote storage).

62. With respect to claim 54, Teitelbaum further teaches wherein the personal agent logic is programmed to logically infer some user-specific information from other user-specific information (Col. 9 lines 1-10: billing identified user regardless of ownership of phone).

63. With respect to claim 55, Teitelbaum further teaches wherein the personal agent logic is programmed to obtain information for the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

64. With respect to claim 56, Teitelbaum further teaches wherein the personal agent logic is programmed to anticipate needs of the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

65. With respect to claim 57, Teitelbaum further teaches wherein the personal agent logic is programmed to update user preference information (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

66. With respect to claim 58, Teitelbaum further teaches wherein the personal agent logic is programmed to simplify device control for the user (Col. 7 lines 49-53, Col. 8 lines 12-63, Col. 9 line 58 - Col. 10 line 48).

67. With respect to claim 61, Teitelbaum further teaches wherein the personal agent logic is programmed to establish a personal area network for the user based upon the identity of the user; and provide the personalized service to the user within the personal area network (Col. 9 line 59 - Col. 10 line 10: personal agents etc).

68. With respect to claim 62, Teitelbaum further teaches wherein the personal agent logic is programmed to provide information to the user within the personal area network (Col. 9 line 59 - Col. 10 line 10: personal agents provide a variety of information to user).

69. With respect to claim 63, Teitelbaum further teaches wherein the personal agent logic is programmed to monitor a supported device within the personal area network (Col. 9 lines 11-37).

70. With respect to claim 64, Teitelbaum further teaches wherein the personal agent logic is programmed to monitor the user within the personal area network (Col. 9 lines 11-37 and Col. 10 line 49 - Col. 11 line 4).

71. With respect to claim 66, Teitelbaum further teaches wherein the personal agent logic is programmed to retrieve information for the user over a communication network (Col. 9 lines 38-58).

72. With respect to claim 67, Teitelbaum further teaches wherein the personal agent logic is programmed to determine a user preference for a supported device (Col. 7 lines 45-53, Col. 8 line 12-63: settings/preferences for particular phones).

73. With respect to claim 68, Teitelbaum further teaches wherein the personal agent logic is programmed update user preference information to include the user preference for the supported device (Col. 8 lines 12-63: user can configure certain phones as desired).

74. With respect to claim 71, Teitelbaum teaches a system for providing personalized services, the system comprising

a gateway operably coupled to detect physical presence of a user and provide personalized services to the user based upon the physical presence of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided),

wherein the gateway detects that the user is currently in close physical proximity to the gateway based on automatic detection of at least one physical attribute of the user's body directly from the user's body (Col. 5 lines 42-48 and lines 65 - Col. 6 line 6: user is detected based on a provisioning of biometric information such as a fingertip on the contact imaging means).

75. With respect to claim 72, Teitelbaum further teaches a physical presence detector in communication with the gateway for providing physical presence information to the gateway (Col. 5 lines 42-48: fingerprint or other biometric scanning means).

76. With respect to claim 73, Teitelbaum further teaches wherein the gateway is operably coupled to determine an identity of the user based upon the physical presence of the user and provide the personalized services to the user based upon the identity of the user (Col 7 lines 41-53: based on the detection of the user and provisioning of biometric information, various personalized settings and services are provided for use in conjunction with a phone system).

77. With respect to claim 74, Teitelbaum further teaches wherein the gateway is operably coupled to obtain user- specific information and provide the personalized services to the user based upon the user- specific information (Col. 7 lines 41-53: 'retrieves pertinent information to the user' and services are user specific settings/features).

78. With respect to claim 75, Teitelbaum further teaches wherein the gateway is operably coupled to obtain the user-specific information from at least one of: a local storage of the computer system; a supported device of the computer system; and a

remote storage over a communication network (Col. 7 lines 30-53: information retrieved from switch - another device/remote storage).

Claim Rejections - 35 USC § 103

79. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

80. Claims 17, 35, 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teitelbaum in view of U.S. Patent 5,493,692 by Theimer et al. (Theimer).

81. With respect to claim 17, Teitelbaum does not explicitly disclose wherein providing the personalized service to the user within the personal area network comprises: maintaining a schedule for the user; and providing a reminder to the user within the personal area network.

Theimer teaches a system for providing services in a personal area network based on proximity of a user to various computing devices (Col. 3 line 66 - Col. 4 line 24). This includes maintaining a schedule for the user and providing reminders to the user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by Theimer such that the method further comprises wherein providing the personalized

service to the user within the personal area network comprises: maintaining a schedule for the user; and providing a reminder to the user within the personal area network. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

82. With respect to claim 35, Teitelbaum does not explicitly disclose wherein the personal agent logic is operably coupled to handle a user schedule.

Theimer teaches a system for providing services in a personal area network based on proximity of a user to various computing devices (Col. 3 line 66 - Col. 4 line 24). This includes maintaining a schedule for the user and providing reminders to the user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by Theimer such that the method further comprises wherein the personal agent logic is operably coupled to handle a user schedule. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

83. With respect to claim 36, Teitelbaum does not explicitly disclose wherein the personal agent logic is operably coupled to provide reminders to the user.

Theimer teaches a system for providing services in a personal area network based on proximity of a user to various computing devices (Col. 3 line 66 - Col. 4 line 24). This includes maintaining a schedule for the user and providing reminders to the user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by Theimer such that the method further comprises wherein the personal agent logic is operably coupled to provide reminders to the user. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

84. With respect to claim 41, Teitelbaum does not explicitly disclose wherein the personal agent logic is operably coupled to maintain a schedule for the user; and provide a reminder to the user within the personal area network.

Theimer teaches a system for providing services in a personal area network based on proximity of a user to various computing devices (Col. 3 line 66 - Col. 4 line 24). This includes maintaining a schedule for the user and providing reminders to the user (Col. 10 lines 28-38 and Col. 24 lines 8-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Harris and modify it as indicated by Theimer such that the method further comprises wherein the personal agent logic is operably coupled to maintain a schedule for the user; and provide a reminder to the user within the personal area network. One would be motivated to have this, as there is desire for enabling user to make better use of their time through use of reminders (In Theimer: Col. 3 lines 22-28).

Conclusion

85. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

86. U.S. Patent 6,104,922 by Baumann. August 15, 2000. Disclosesthe use of biometric information for authenticating a user profile in relation to performing communications.

87. U.S. Patent 6,256,019 by Allport. July 3, 2001. Discloses the use of biometric information to automatically configure a controller used to control other devices.

88. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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David Lazaro
November 9, 2007